

UNITED STATES DISTRICT
WESTERN DISTRICT OF NEW YORK

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HEATHER SENGBUSCH,

PETITION FOR REMOVAL

Plaintiff,

Civil Action No.

-against-

MLADEN PLJEVANCIC
AIM TRANSPORTATION SERVICES, LLC,

Defendants.

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**TO: United States District Court
Western District of New York**

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, and Local Rule 81, Mladen Pljevancic and Aim Transportation Services, LLC, by their attorneys, Smith Mazure P.C., submit this Notice of Removal from the Supreme Court, State of New York, County of Erie, in which the above-captioned matter is now pending, to the United States District Court of the Western District of New York. In support of said notice, defendants state as follows:

Procedural History

1. Plaintiff Heather Sengbusch filed her summons and complaint in the Supreme Court of the State of New York, County of Erie, with the office of the Erie County Clerk's Office on July 14, 2022. A copy of the summons and complaint is annexed hereto as **Exhibit "A."**

2. The defendants, Mladen Pljevancic and Aim Transportation Services, LLC, served a verified answer upon plaintiff's counsel on August 2, 2022. A copy of the answer is attached hereto as **Exhibit "B".**

3. As this Notice of Removal is filed with the Court within thirty (30) days of filing the claim with the Court and completion of service, removal is timely.

Parties/Diversity Jurisdiction

4. Plaintiff's complaint alleges that plaintiff is a resident of Buffalo County, State of New York. See Exhibit "A." Thus, plaintiff is citizen of the State of New York for diversity purposes.

5. Defendant Mladen Pljevancic was and still is a resident of the City of Toronto, Providence of Ontario and Country of Canada. Defendant Aim Transportation Services, LLC was a limited liability company of the State of Iowa.

6. Accordingly, this Court possesses jurisdiction over this matter pursuant to 28 U.S.C. §1332(a)(1) based upon complete diversity of citizenship.

Amount in Controversy/Subject Matter Jurisdiction

7. Plaintiff Heather Sengbusch in her complaint alleges personal injuries due to a motor vehicle accident. Based upon the allegations in the complaint and communications with plaintiff's counsel the matter in controversy exceeds the sum or value of \$75,000, inclusive of interests and costs. Plaintiff has made a settlement demand well in excess of this amount.

8. Venue is proper pursuant to 28 U.S.C. §1441(a) as the Western District is the Federal Court embracing the place where the state court suit is pending.

Procedural Requirements

14. As required by 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served upon plaintiff's counsel and is being filed with the Clerk of the Court, Supreme Court, County of Erie.

WHEREFORE, defendants Mladen Pljevancic and Aim Transportation Services, LLC file this notice of removal so that the entire state court action under Index No. 807943/2022 now

pending in the State of New York, County of Erie, be removed to this Court for all further proceedings.

Dated: New York, New York
August 2, 2022

Yours, etc.,



By: _____

HOWARD J. SNYDER
SMITH MAZURE, P.C.
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TO:
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(716) 847-2600
Attorney for Plaintiff
Heather Sengbusch

HJS/mrz
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal was mailed by first class mail, postage prepaid, this August 2, 2022, to all counsel of record as indicated on the service list below.



Howard J. Snyder
For the Firm

SERVICE LIST

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Buffalo, NY 14202
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Attorney for Plaintiff
Heather Sengbusch